



**THE ENVIRONMENTAL LAW SECTION  
OF THE STATE BAR OF CALIFORNIA**

*presents*

**PRIVATE ENFORCEMENT OF  
ENVIRONMENTAL LAW:  
PROSECUTING AND DEFENDING CITIZENS' SUITS**

6 Hours MCLE

**FRIDAY, MAY 11, 2007**

**ELIHU HARRIS STATE BUILDING - AUDITORIUM**

**1515 CLAY STREET, OAKLAND**



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## **SCHEDULE OF EVENTS**

- 8:00 am Registration**
- 8:00-8:45 am Registration/Coffee**
- 8:45 am Welcome (by Co-Chairs)**  
Jane Crue  
*Sacramento County District  
Attorney's Office  
Sacramento*  
Danielle Fugere  
*Bluewater Network  
San Francisco*  
Dana P. Palmer,  
*manatt | phelps | phillips  
Los Angeles*

- 9:00 am ABC's: Practical Aspects of  
Prosecuting Citizens' Suits  
Under Key State and Federal  
Statutes**

The panelists will discuss important issues relating to getting a case into court and keeping it there. The panelists will focus on several state and federal environmental statutes, including CEQA, NEPA, CWA, RCRA and Prop. 65, and will discuss common defenses, and recent developments in the law, involving ripeness, preemption, and standing.

Deborah Sivas  
*Stanford Environmental Law Clinic  
Palo Alto*  
Robert C. Goodman,  
*Robert C. Goodman, Rogers Joseph O'Donnell  
San Francisco*

- 10:15 am Break**
- 10:30 am CEQA and Global Warming  
Matters**

As global temperatures are rising, many consequences already are being felt statewide and are expected to intensify in coming decades. Recent legislation now mandates that California reduce its future output of greenhouse gas significantly. This panel will discuss how potential global warming impacts of a project should now be considered in the environmental analysis pursuant to the California Environmental Quality

# PRIVATE ENFORCEMENT OF ENVIRONMENTAL LAW: PROSECUTING AND DEFENDING CITIZENS' SUITS

Act (CEQA) and the closely analogous National Environmental Policy Act (NEPA). The discussion also will include recent developments in several pending lawsuits in this important and evolving area of environmental law.

**11:30 am**      **Solutions, Survival, or Solvency: Attorneys' Fees Claims**

Cliff Rechtschaffen  
*Golden Gate University  
San Francisco*  
Kassie R. Siegel  
*Center for Biological Diversity  
(Joshua Tree)*

A discussion of critical issues in the process of seeking or defending claims for attorney fees, including highlights of recent case law.

**12:15 pm**      **Box Lunch** (will be provided)

**1:00 pm**      **Edmund G. Brown Jr., Attorney General of the State of California (INVITED)**

**1:30 pm**      **Trends, Tactics and Troublespots: Navigating the Charted and Uncharted Seas of Water Quality Litigation**

Richard M. Pearl  
*The Law Offices of Richard M. Pearl  
Berkeley*  
Brian S. Haughton,  
*Barg Coffin Lewis and Trapp, LLP  
San Francisco*

Two expert practitioners, with considerable courtroom experience, will discuss successful strategies, emerging trends, and potential developments in water quality litigation from plaintiff and defense viewpoints. They will conclude with a special focus on the world of stormwater litigation.

Michael R. Lozeau  
*Law Office of Michael R. Lozeau  
Alameda*

Paul P. "Skip" Spaulding, III  
*Farella Braun + Martel, LLP  
San Francisco*

**2:15 pm**      **Forestry Trends**

The panelists will discuss recent trends in forestry litigation including an update on significant federal and state cases. Topics of discussion will include NEPA, APA, ESA, use of categorical exclusions, timber harvest plan review and its relationship to CEQA, creative legal strategies, and perspectives on the usefulness of litigation as a tool for forestry protection and preservation.

Michael W. Graf  
*The Law Offices of Michael Graf  
El Cerrito*  
Jamie Rosen  
*U.S. Department of Agriculture  
San Francisco*

**3:00 pm**      **Break**

**3:15 pm**      **Props 64 and 65**

Recent developments, including cases interpreting Proposition 64, have made significant changes to private enforcement actions. This panel will discuss recent developments in private and public enforcement actions, focusing on Propositions 64 and 65, as well as what to expect in the year ahead.

Ed Weil  
*California Attorney General's Office  
Oakland*  
Chip Nierlich  
*Gibson, Dunn & Crutcher, LLP  
San Francisco*

**4:15 pm**      **Conclusion and Wrap-up**

***The State Bar of California Environmental Law Section is a State Bar of California MCLE Approved Provider.***

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# Private Enforcement of Environmental Law: Prosecuting and Defending Citizens' Suits

Note: One registrant per form. Photocopies may be used

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\*Required for email confirmation

**Registration Fees** (check the appropriate box)

- ☐ **\$120 Environmental Section Member**
- ☐ **\$200 Non-Section Member**  
*Includes 2007 membership in Environmental Law Section*
- ☐ **\$100 Government/Not-for-Profit Member**
- ☐ **\$20 Students**

**CREDIT CARD INFORMATION (VISA/MASTERCARD ONLY)**

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REGISTRATION FORM





## REGISTRATION INFORMATION

### DEADLINE:

In order to Pre-register, your form and check, payable to the State Bar of California, or credit card information, must be received by Friday, May 4, 2007.

### REGISTER ONLINE:

Registration is now available on-line at [www.calbar.ca.gov/enviro](http://www.calbar.ca.gov/enviro)

### MAIL TO:

Program Registrations  
State Bar of California  
180 Howard Street  
San Francisco, CA 94105

### FAX TO:

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In order to fax your registration, credit card information is MANDATORY. (Photocopies of checks will NOT be accepted)

### CANCELLATIONS/REFUND POLICY:

Cancellations and requests for refunds must be received in writing no later than May 4, 2007 and are subject to a \$25.00 service charge. Refunds will not be available after May 4, 2007.

### QUESTIONS:

For registration information call 415-538-2508. Telephone registrations will not be accepted. For program content and/or Section information call 415-538-2582.

### SPECIAL ASSISTANCE:

For special assistance, please call 415-538-2582 or TDD for speech and hearing impaired 415-538-2231.

### ON-SITE:

On-site registration will be on a space available basis. Call to confirm space availability.

### SCHOLARSHIPS:

A limited number of scholarships may be available. Please contact Julie Martinez at [julie.martinez@calbar.ca.gov](mailto:julie.martinez@calbar.ca.gov) for more information.

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